



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

**Gardner Fields Asphalt Corporation**  
FIFRA Producing Establishment Inspection

Facility: **Gardner-Fields / Gardner-Gibson / Gardner Asphalt Corporation**  
(EPA Est. No. 3486-WA-001)  
2240 Taylor Way  
Tacoma, WA 98421

Contacts: Patrick Morelli, Plant Manager  
(253) 627-4098 Ext. 700

Pesticides

Produced: *ATCO Woodlast* (EPA Reg. No. 1022-491-3486)  
*ATCO Woodlast 2c* (EPA Reg. No. 1022-522-3486; ~~no 2008 production~~)  
*ATCO Woodlast 2 RTU* (EPA Reg. No. 1022-518-3486)  
*ATCO Shakelast* (EPA Reg. No. 1022-518-3486)

Inspection Date September 24, 2008

Inspection Report: October 8, 2008 (Finalized June 15, 2009)

Inspectors: Chad Schulze, EPS

Derrick Terada, ES

Erin Halbert, ES

**Background/ Past Compliance History**

On June 16, 1998, the Washington State Department of Agriculture (WSDA) conducted a routine Producing Establishment Inspection (PEI) at Gardner Asphalt Corporation (Gardner) then known as Fields Corporation, Inc. (Fields Corp). EPA Region 10 issued Fields Corp an Advisory Letter regarding discrepancies between their supplemental distributed label and that of the registrant's EPA accepted label (IBC Manufacturing Company (IBC)). However, the labels were still within the allowed 18 month period to distribute under the previously approved labeling. In their response, Fields Corp stated that they were updating their labels and would start distributing the updated labels before the 18 month time-frame.

EPA Region 10 scheduled a routine inspection at the Gardner for the following reasons:

- The facility had not been inspected in nearly ten years
- 3 of the 4 pesticides Gardner produces bear "DANGER" signal words
- The facility lays within the exterior boundary of the Puyallup Tribe

**Business Information**

According to the website [www.gardner-gibson.com/](http://www.gardner-gibson.com/), Gardner's corporate office is in Tampa, Florida, and is a full line manufacturer of roof coatings, waterproofing coatings, pavement sealers, caulks,



wall repair patching and wallpaper adhesives. The company operates 12 manufacturing and distribution facilities located throughout the United States. Gardner supplies products in four categories: 1) asphalt based coatings & roof cements, blacktop driveway sealers, reflective aluminum and white roof coatings, 2) latex caulks, adhesives and sealants, 3) wall covering adhesives and primers, and 4) specialty paints and coatings (paraphrased from company website). For more information please visit the above website.

### Entry/Introduction

On September 24, 2008, at approximately 10:45 am, Derrick Terada, Erin Halbert, and I (Chad Schulze) entered Gardner located at 2240 Taylor Way, Tacoma, Washington, 98421 (see **Attachment 1** for Google map) to conduct a routine Producing Establishment inspection. I presented the Notice of Inspection (NOI; **Attachment 2**), and my credentials to Patrick Morelli, Plant Manager for the Tacoma facility. I asked Mr. Morelli if there was a meeting room where we could exchange paperwork related to the inspection and he lead us into a conference room in an adjacent office. I explained to Mr. Morelli the reason for the inspection, the process, and EPA's authority to conduct the inspection. I also provided Mr. Morelli a copy of the small business information fact sheet (which he initialed as receiving on the NOI).



Figure 1. Set-up photo of Gardner main office

### Inspection

We asked Mr. Morelli to explain the company name change from Fields Corp to Gardner-Fields. Mr. Morelli stated that Fields Corp went bankrupt in 2006 and was bought by the Gardner Asphalt Corporation in Tampa, Florida. Ms. Halbert instructed Mr. Morelli to submit a company name change request on company letter head so she could update the Section Seven Tracking System (SSTS). Prior to the inspection, I reviewed the status of Gardner's Supplemental Distribution Agreements with the registrant, IBC, on the Office of Pesticide Program's Information Network (OPPIN). According to this system, the Supplemental Distribution Agreements are between IBC and the American Tar Company (see **Attachment 3**) and it is unclear how Gardner is associated with this company. Though, all internet



searches for “American Tar Company” direct you to the Gardner facility in Seattle, WA. The OPPIN information also shows that the Supplement Distribution Agreement for *ATCO Woodlast* EPA Reg. No. 1022-491-3486) was cancelled in October 1995.

We asked Mr. Morelli to describe the types of pesticide products they produced and sold from this facility. Mr. Morelli stated that they produce two pesticides under three brand names, *ATCO Woodlast* (EPA Reg. No. 1022-491-3486), *ATCO Woodlast 2 RTU* (EPA Reg. No. 1022-518-3486), *ATCO Shakelast* (EPA Reg. No. 1022-518-3486). They also sell another pesticide, *ATCO Woodlast 2c* (EPA Reg. No. 1022-522-3486) though they had not produced any in 2008. During our discussions, Mr. Morelli had to excuse himself to respond to an emergency. While he responded to the emergency, I drafted a list of documents we would need to complete our inspection (**Attachment 4**). After Mr. Morelli returned, I provided the list to him. He stated that he probably could not gather all the requesting information during the inspection. I stated that he could provide the documents at a later date (as described on the Receipt for Samples). At this time, Mr. Morelli provided a facility Site Plan (see **Attachment 5**) as requested by the list I provided him.

We asked Mr. Morelli if they had any pesticides that were packaged, labeled and ready for shipment. He stated they did have product ready for shipment in the Coatings Warehouse southwest of the main office (see **Figure 2**).



**Figure 2.** Aerial view of Gardner-Fields facility.  
(Source: Google Earth Pro)



Mr. Morelli led us to the Coatings Warehouse where we began to review the pesticides that were packaged, labeled and ready for shipment (Photos 004 to 028). We compared the labels on the containers to the EPA accepted labels for these products. All labels appeared out of date and significantly differed from the appropriate EPA accepted labels. Below are the dates of the EPA accepted labels we used to compare those found on the products (see **Attachment 6** for copies of the EPA accepted labels. Note: I have included *Notification* as well as *Accepted* version of these labels in Attachment 6).

EPA Registration Number	Date of EPA Accepted Label
1022-419	12FEB2004 (Notification)
1022-518	10MAR2005 06DEC2007 (Notifications)
1022-522	13DEC2004

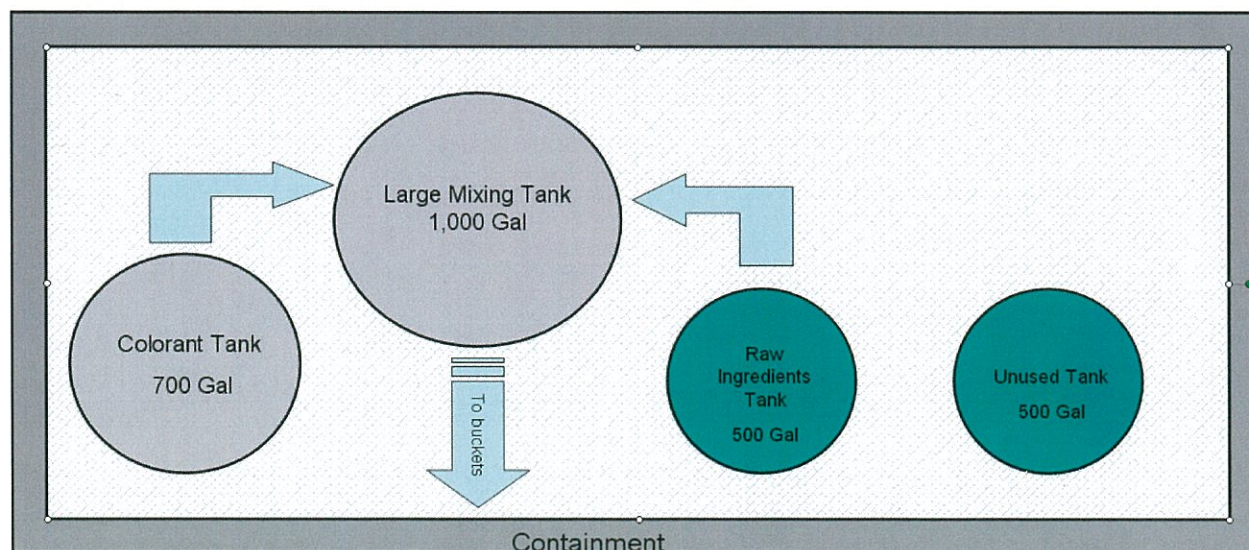
See photos 003 to 009 to compare the *ATCO Woodlast* (EPA Reg. No. 1022-491-3486) label to the corresponding EPA accepted label in Attachment 6; photos 010-015 for *ATCO Shakelast* (EPA Reg. No. 1022-518-3486); photos 016-021 for *ATCO Woodlast 2 RTU* (EPA Reg. No. 1022-518-3486); and photos 022-028 for *ATCO Woodlast 2c* (EPA Reg. No. 1022-522-3486).

After photographing the products packaged, labeled and ready for shipment, we asked Mr. Morelli to show us where he keep the labels for the products he produced and sold. Mr. Morelli took us to the Production Warehouse (see Figure 2). We estimated the inventory of product labels to be:

450-500	Woodlast (EPA Reg. No. 1022-491-3486)
450-500	Woodlast2 (EPA Reg. No. 1022-518-3486)
250-300	Woodlast2c (EPA Reg. No. 1022-522-3486)
200-250	Shakelast (EPA Reg. No. 1022-518-3486)

We collected a label for each product that Gardner produced and or sold (see **Attachment 7** and photos 029-032).

We then asked to review where the products are produced and Mr. Morelli took us to the north end of the production warehouse (see photo 033-040). Mr. Morelli stated that they pump the raw ingredients from the shipping containers directly into the 500 gallon raw ingredient tank (see **Figure 3**).



**Figure 3.** Tanks in production area and flow of product.

From there the ingredients are pumped into the 1,000 gallon mixing tank where the raw ingredients are mixed with any colorant and/or other ingredients needed to make the batch of pesticides. The 5 gallon buckets (and 55 gallon drums made to order) are filled from the 1,000 gallon mixing tank. Mr. Morelli stated that a standard batch is 500 gallons.

### **Closing Conference**

I stated to Mr. Morelli that we had completed our inspection and would like to have a closing conference to discuss the issues found and next steps of the process. Mr. Morelli led us back to the office where we began the inspection. We expressed our concern over the out dated labels being used to produce the four types of wood preservers. We asked Mr. Morelli how long they have been using the labels found on the products and in the production warehouse and he stated that they have been using them at least since Fields Corp was purchased by Gardner (approximately June 2006). We stated that they should contact the registrant (IBC Manufacturing) immediately to get their labels corrected. Mr. Morelli stated that the design and wording for the labels are run out of Gardner's headquarter office in Tampa, Florida. We had Mr. Morelli sign Label Certification Statements for each product produced and sold by Gardner. Mr. Morelli signed the Label Certification Statements (see back side of each label) and provided us a copy of an old Fields Corp Product Guide (**Attachment 8**).

I began filling out the Receipt for Samples for the items we had collected during the inspection and those that Gardner would provide after the inspection. As noted on the Receipt for Samples (**Attachment 9**), we requested that samples 092408-F11907-007 through 092408-F11907-012 be provided within two weeks of the date of the inspection. After Mr. Morelli signed the Receipt for Samples we thanked him for his time and left the facility.

On October 8, 2008, I received a package from Michael L Thrasher, Corporate Environmental Health and Safety Manager out of Tampa, Florida. The package contained the information outlined on the Receipt for Samples that was not provided during the inspection (**Attachment 10**).

Field notes taken during the inspection are in **Attachment 11**.



## ATTACHMENTS

Attachment	Description
1	Google Map of Gardner facility location
2	Notice of Inspection
3	OPPIN information on Gardner Supplemental Distributor Agreements Status
4	List of records/ documents needed for inspection
5	Facility map
6	EPA Accepted Labels and Notifications for: PQ-15 RTU Clear Wood Preserver (EPA Reg. No. 1022-491) Cunapsol 1 (EPA Reg. No. 1022-518) Cunapsol 5 (EPA Reg. No. 1022-522)
7	Bin Labels for : Woodlast (EPA Reg. No. 1022-491-3486) Woodlast2 (EPA Reg. No. 1022-518-3486) Woodlast2c (EPA Reg. No. 1022-522-3486) Shakelast (EPA Reg. No. 1022-518-3486)
8	Old Fields Corp Product Guide
9	Receipt for Samples
10	Package of information from Gardner's headquarters in Tampa, Florida
11	Field Notes

## Photo Log

Photo	Description
Fields Corp PEI 9-24-2008 001	Outside of main office for Gardner-Fields (Fields Corp)
Fields Corp PEI 9-24-2008 002	Sign on outside front of building
Fields Corp PEI 9-24-2008 003	Inside storage warehouse – Stock of Woodlast (EPA Reg. # 1022-491-3486)
Fields Corp PEI 9-24-2008 004	Woodlast (EPA Reg. # 1022-491-3486) – front panel
Fields Corp PEI 9-24-2008 005	Woodlast (EPA Reg. # 1022-491-3486) – left panel
Fields Corp PEI 9-24-2008 006	Woodlast (EPA Reg. # 1022-491-3486) – right panel
Fields Corp PEI 9-24-2008 007	Woodlast (EPA Reg. # 1022-491-3486)
Fields Corp PEI 9-24-2008 008	Woodlast (EPA Reg. # 1022-491-3486) – other stickers and safety warnings
Fields Corp PEI 9-24-2008 009	Woodlast (EPA Reg. # 1022-491-3486) – other stickers and safety warnings
Fields Corp PEI 9-24-2008 010	Inside storage warehouse – Stock of Shakelast (EPA Reg. # 1022-518-3486)
Fields Corp PEI 9-24-2008 011	Shakelast (EPA Reg. # 1022-518-3486)
Fields Corp PEI 9-24-2008 012	Shakelast (EPA Reg. # 1022-518-3486) – front panel
Fields Corp PEI 9-24-2008 013	Shakelast (EPA Reg. # 1022-518-3486) – left panel
Fields Corp PEI 9-24-2008 014	Shakelast (EPA Reg. # 1022-518-3486) – right panel
Fields Corp PEI 9-24-2008 015	Shakelast (EPA Reg. # 1022-518-3486) – other stickers and safety warnings
Fields Corp PEI 9-24-2008 016	Inside storage warehouse – Stock of Woodlast 2 (EPA Reg. # 1022-518-3486)
Fields Corp PEI 9-24-2008 017	Woodlast 2 (EPA Reg. # 1022-518-3486)
Fields Corp PEI 9-24-2008 018	Woodlast 2 (EPA Reg. # 1022-518-3486) – other stickers and safety warnings

Fields Corp PEI 9-24-2008 019	Woodlast 2 (EPA Reg. # 1022-518-3486) – front panel
Fields Corp PEI 9-24-2008 020	Woodlast 2 (EPA Reg. # 1022-518-3486) – left panel
Fields Corp PEI 9-24-2008 021	Woodlast 2 (EPA Reg. # 1022-518-3486) – right panel
Fields Corp PEI 9-24-2008 022	Inside storage warehouse – Stock of Woodlast 2c (EPA Reg. # 1022-522-3486)
Fields Corp PEI 9-24-2008 023	Woodlast 2c (EPA Reg. # 1022-522-3486)
Fields Corp PEI 9-24-2008 024	Woodlast 2c (EPA Reg. # 1022-522-3486) – front panel
Fields Corp PEI 9-24-2008 025	Woodlast 2c (EPA Reg. # 1022-522-3486) – left panel
Fields Corp PEI 9-24-2008 026	Woodlast 2c (EPA Reg. # 1022-522-3486) – right panel
Fields Corp PEI 9-24-2008 027	Woodlast 2c (EPA Reg. # 1022-522-3486) – other stickers and safety warnings
Fields Corp PEI 9-24-2008 028	Woodlast 2c (EPA Reg. # 1022-522-3486) – other stickers and safety warnings
Fields Corp PEI 9-24-2008 029	Entrance to pesticide manufacturing building
Fields Corp PEI 9-24-2008 030	Storage of Labels for all Gardner-Fields Products
	Inventory of Labels (from left to right):
Fields Corp PEI 9-24-2008 031	Woodlast (EPA Reg. # 1022-491-3486) – about 450-500 labels
	Woodlast 2 (EPA Reg. # 1022-518-3486) – about 450-500 labels
	Woodlast 2c (EPA Reg. # 1022-522-3486) – about 200-250 labels
	Inventory of Labels:
Fields Corp PEI 9-24-2008 032	Shakelast (EPA Reg. # 1022-518-3486) – about 200-250 labels
Fields Corp PEI 9-24-2008 033	Tanks used to produce pesticides in
Fields Corp PEI 9-24-2008 034	Colorant mixing tank
Fields Corp PEI 9-24-2008 035	Mixing Tank
Fields Corp PEI 9-24-2008 036	Raw ingredients Tank
Fields Corp PEI 9-24-2008 037	Extra Tank
Fields Corp PEI 9-24-2008 038	Worker Protection – Eye wash and safety shower
Fields Corp PEI 9-24-2008 039	Containment around pesticides tanks
Fields Corp PEI 9-24-2008 040	More containment and empty barrels and stuff inside containment with tanks





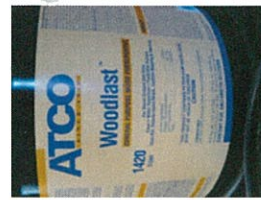
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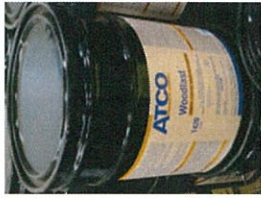
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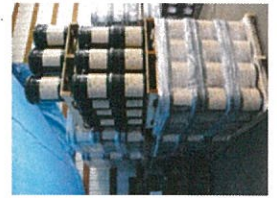
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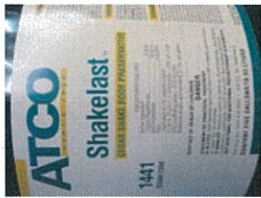
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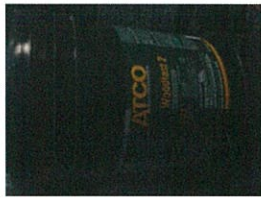
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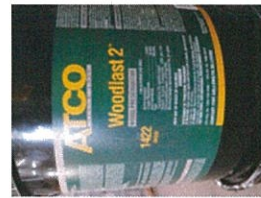
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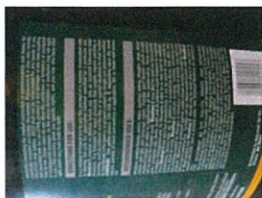
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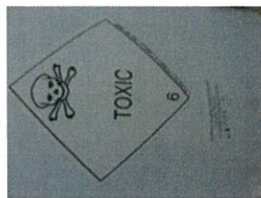
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